

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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In RE:        DANIEL J. STEBNITZ  
  
                 Debtor.

Chapter 7 Bankruptcy  
Case No.: 13-32097-BEH

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MICHAEL F. DUBIS, TRUSTEE IN BANKRUPTCY  
208 E. Main Street  
Waterford, WI 53185

Plaintiff,

v.

Adversary No.: 15-02016-BEH

JOSHUA B. STEBNITZ,  
NICHOLE M. SALAZAR,  
MOLLY J. STEBNITZ, and  
KATHI J. STEBNITZ,

Defendants.

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DEBTOR'S OBJECTION TO THE PROPOSED ORDER ON THE STIPULATION FILED  
ON JANUARY 15, 2016

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NOW COMES the Debtor and Co-Defendant Intervenor, Daniel J. Stebnitz, by his attorneys ,RIZZO & DIERSEN, S.C., by Attorney Piermario Bertolotto, and hereby objects to the Proposed Order on Stipulation submitted by Attorney Lawrence Clancy, Attorney for Trustee Dubis, on the Stipulation filed between Michael F. Dubis as Trustee for the Bankruptcy Estate of Daniel J. Stebnitz, Plaintiff, and Joshua B. Stebnitz, Nichole M. Salazar, Molly J. Stebnitz, and Kathi J. Stebnitz, Defendants on the following grounds:

1.     The Debtor filed a Chapter 7 Bankruptcy on September 10, 2013;
2.     The adversary case was filed on January 9, 2015, by Trustee' Michael F. Dubis;

3. The Motion to Intervene and Answer was filed on February 11, 2015;

4. The Order allowing the Debtor to Intervene as a Defendant was filed on May 27, 2015;

5. The Non-Debtor Co-Defendants can stipulate and get out of this case; however, the Intervenor Defendant's rights in the case have not been stipulated to;

6. The proposed Order on the Stipulation dated January 15, 2016, proposes that the conveyance that occurred on December 31, 2012, of the 1/3 interest in Spirit Valley Camp, LLC, be null and void, and that the Non-Debtor defendants shall take steps to convey said interest to the Trustee;

7. The Debtor Defendant has not stipulated to those actions in this case; intends to continue to mediation, and advance his interest in this matter as a Co-Defendant and Intervenor; and the entry of the proposed Order, as drafted, directly interferes with the Debtor Defendant's rights and ability to assert his defenses to the allegations in the Complaint.

WHEREFORE, the Co-Defendant and Intervenor respectfully requests that this matter be set for a hearing.

Dated this 19<sup>th</sup> day of January, 2016.

RIZZO & DIERSEN, S.C.  
Attorneys for Debtor

By: 

Piermario Bertolotto  
State Bar No.: 1044687

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AFFIDAVIT OF MAILING

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STATE OF WISCONSIN    )  
                              ) ss  
COUNTY OF KENOSHA    )

I, Carolyn M. Frazer, being first duly sworn on oath, depose and say that I mailed or transmitted via CM/ECF a true copy of the **DEBTOR'S OBJECTION TO THE PROPOSED ORDER ON THE STIPULATION FILED ON JANUARY 15, 2016**, in the above-entitled action, to the person(s) named and at the addresses stated hereinafter, by enclosing the same in an envelope which was postpaid for first class handling, which bore the sender's return address of RIZZO & DIERSEN, S.C. 3505 30<sup>th</sup> Avenue, Kenosha, WI 53144, and which was mailed in Kenosha, Wisconsin, on January 19, 2016.

**NOTICE VIA CM/ECF:**

U.S. Trustee Eastern District  
Michael Dubis, Trustee  
  
Anton Nickolai, Esq.  
  
Lawrence Clancy, Esq.  
  
Susan K. Allen, Esq.

**NOTICE VIA FIRST CLASS MAIL:**

Molly Stebnitz  
324 S. Terrace Street  
Delavan, WI 53115  
  
Joshua Stebnitz  
2649 Lake Wood Drive  
Dyer, IN 46311  
  
Nichole Salazar  
52 Turnbridge Dr.  
Lumberton, NJ 08048

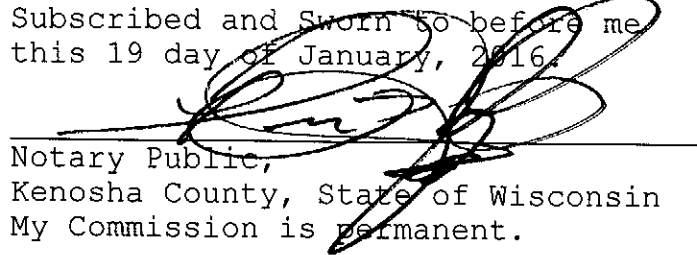
Kathi Stebnitz  
324 S. Terrace St.  
Delavan, WI 53115

Daniel J. Stebnitz  
W7705 Creek Road  
Delavan, WI 53115

Dated this 19<sup>th</sup> day of January, 2016.

  
Carolynn M. Frazer

Subscribed and Sworn to before me  
this 19 day of January, 2016.

  
Notary Public,  
Kenosha County, State of Wisconsin  
My Commission is permanent.

